

The two essential classes that we recall from law school are civil procedure and criminal procedure. Procedure matters.

A Supreme Court Justice once said:

Procedure is the bone structure of a democratic society.

Procedure is the bone structure of justice, but, forgive me, the Supreme Court is the boneless chicken ranch of judicial ethics. You may remember the Gary Larson “Far Side” cartoon of the boneless chicken ranch. That is what we are up against.

A perfect illustration of this problem occurred when Judge Brett Kavanaugh became Justice Brett Kavanaugh. At the time Kavanaugh was elevated to the Supreme Court, he was the subject of 83 complaints for allegedly perjuring himself and for conduct unbecoming of a Federal judge during his confirmation hearings. A panel had been assigned. An inquiry was underway, independent inquiry, to find facts, to investigate those complaints, and that panel had acknowledged that the allegations were “serious.” But the investigations about Kavanaugh vanished when he was elevated to the Supreme Court. They weren’t concluded. They weren’t resolved. They just ended because, with his appointment, Kavanaugh escaped to the accountability-free zone surrounding the Supreme Court.

The \$30 million wining-and-dining campaign is just the tip of the iceberg. There are many unanswered and evidently uninvestigated concerns.

We have heard nothing from the Court about whether Justice Thomas violated Federal law by refusing to recuse himself from multiple cases implicating his wife’s attempts to overturn the 2020 election.

We have heard nothing from the Court about why the Trump-appointed Justices shouldn’t recuse themselves from cases where dark money organizations that spent millions getting them confirmed show up or why those dark money groups shouldn’t disclose who is behind them when they show up.

We have heard nothing from the Court about why Justice Scalia took dozens of vacations seemingly paid for by people with interests before the Court without disclosing those trips to the public under the Court’s disclosure rules.

We have heard nothing from the Court about why it is appropriate for Justice Alito to make political statements about world leaders, as he did in Rome earlier this year, or show up at Federalist Society pep rallies.

Now, I know I have been very persistent about this, but I am not alone in this regard.

The four recent articles, first, “The Supreme Court has lost its ethical compass. Can it find one fast?” by the respected Ruth Marcus, editorial page, Washington Post editor, is at <https://www.washingtonpost.com/opinions/2022/11/22/supreme-court-ethics-alito-ginni-thomas/>; second, “Confidence in the Supreme Court is cratering. It needs to

adopt a code of ethics,” by the editorial board of the Globe, is at <https://www.bostonglobe.com/2022/11/29/opinion/supreme-court-facing-crisis-confidence-must-be-more-transparent/>; third, “The Real Problem With the Second Alleged Leak at the Court,” the article by Dahlia Lithwick in Slate, is at <https://slate.com/news-and-politics/2022/11/alito-leak-hobby-lobby-real-problem.html>; and finally, the respected Linda Greenhouse’s article in the Atlantic magazine, “WHAT IN THE WORLD HAPPENED TO THE SUPREME COURT?”, at <https://www.theatlantic.com/ideas/archive/2022/11/supreme-court-dobbs-conservative-majority/672089/>.

It is well past time for the Supreme Court to join every other court in the land in adopting a real code of ethics, with procedures that are fair and transparent. Justices should disclose the same gifts and travel that other Federal officials are required to disclose, like in the legislative branch and in the lower courts.

And the Court should shine a light on the real interests behind phony amici curiae flotillas that show up there, just like we require lobbyist disclosure. The Justices ought to explain their recusal decisions to the public with a process to help enforce our Federal recusal laws.

And the guiding principle in all of this should be a rule so old it is in Latin: *Nemo iudex in sua causa*—no one should be a judge in their own cause.

Is it too late to trust the Court that dark money built to take these steps on its own? Is our Supreme Court too permeated with special interest influence to restore itself?

If so, that means it is up to Congress. We can accomplish a lot by passing the bill Congressman HANK JOHNSON and I drafted, the Supreme Court Ethics, Recusal, and Transparency Act. And in the meantime, we will continue to pursue oversight, including oversight of these latest troubling allegations.

The people of the country deserve real answers from Justices we trust to wield the power of the highest Court in the country. We won’t give up until we have those answers. So across the street over there, they had better get used to it.

To be continued.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Colorado.

CLUB Q SHOOTING

Mr. HICKENLOOPER. Mr. President, I had hoped to come to the floor to celebrate the passage of the Respect for Marriage Act, a bipartisan vote to give same-sex couples equal protection under the law. I hoped we could reflect on how far we have come.

But instead, a little over a week ago, we were reminded how much remains to be done, how far we have slid back. On Saturday, November 19, a shooter walked into Club Q, an LGBTQ haven in Colorado Springs, and killed five in-

nocent people—five people in a space where everyone is empowered to be who they are, to live as themselves, and to do so without fear. Unfortunately, that was taken away.

It is hard not to see this shooting in the context of a rise in hate speech toward the LGBTQ community and a rise in using the community as a literal target to score cheap political points. The entire LGBTQ community has been demonized, slandered, and defamed by politicians and public figures.

Three hundred forty-four laws have been introduced across the country attacking the community. We have seen a resurgence of old tropes and falsehoods and a fixation on drag shows and drag queens, with baseless claims of their danger to children.

According to the Human Rights Campaign, during the last election alone, \$50 million worth of anti-LGBTQ ads were run—at best, spreading misinformation; at worst, fueling the flames of hate.

And on November 19, the Colorado Springs LGBTQ community paid for that hate. They paid with their lives. The shooter walked in during a drag show, no less, and started shooting indiscriminately. Several patrons—Richard Fierro and Thomas James among them—ran toward the shooter and wrestled him to the ground, saving countless lives. Helping Richard and Thomas was a drag queen who attacked the shooter with her heels—a drag queen, a supposed danger to children everywhere, courageously fighting for her life and the lives of everyone in that bar.

We should be past this. We should all be past this. A clear majority of Americans support same-sex marriage, including a majority of young Republicans. At its core, our country is about individual freedom—freedom to be the person you want to be, to live the life you choose to live, however you choose to do it, so long as it doesn’t infringe on others. No one in Club Q was doing anything—not a single thing—that harmed or infringed in any way with the rights of anyone else.

There are many conversations that we need to have about guns, about red flag laws, and about protecting the LGBTQ community. We also need to talk about the extremism terrorizing our country. A few loudmouths have set their sights on some of the most vulnerable among us and decided to make them out to be the root of all their problems. So who can be surprised that someone out there decided to walk into a drag show with a gun and just start shooting?

It doesn’t have to be this way. The Respect for Marriage Act was unthinkable not so long ago, as were openly gay Senators, Cabinet Secretaries, or judges. Stonewall wasn’t just in our lifetimes; it is a living memory.

But we learn. We learn. We keep moving forward because it is hard to demonize someone when it is your sibling or your child or your best friend.

We all know someone who could have been a victim, part of that shooting targeting this community.

Club Q is a reminder that it is on us to maintain our hard-fought progress. We can't slide back. The passage of the Respect for Marriage Act is a measure of hope and a reminder that which direction we go from here is still very much a choice. The stakes are too high for anyone to sit on the sidelines.

I yield the floor.

The PRESIDING OFFICER (Mr. KELLY). The majority leader.

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that at 11:30 a.m. tomorrow, the Senate vote on the motions to invoke cloture on Executive Calendar Nos. 1148 and 1129.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate consider the follow nominations: Calendar Nos. 1205 through 1232 and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, Navy, and Space Force; that the nominations be confirmed, en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Alvin Holsey

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Thomas A. Bussiere

IN THE SPACE FORCE

The following named officer for appointment in the United States Space Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. DeAnna M. Burt

IN THE AIR FORCE

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Lisa M. Ahaesy

Col. Jenifer E. Pardy
Col. Tad J. Schauer
Col. Kristof K. Sills

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Steven A. Breitfelder
Col. Jason S. Christman

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Denise M. Donnell
Brig. Gen. Joseph R. Harris, II

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Troy T. Daniels
Brig. Gen. Terrence L. Koudelka, Jr.

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Konata A. Crumbly
Brig. Gen. Kenneth S. Eaves
Brig. Gen. Robert G. Kilgore
Brig. Gen. Gary A. McCue
Brig. Gen. Bryan E. Salmon
Brig. Gen. Bryan J. Teff

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Paul M. Bishop
Col. Tyler D. Buckley
Col. Scott C. Humphrey
Col. Christopher A. Jarratt
Col. Jennifer R. Kondal
Col. Gregory R. Lewis
Col. Kenneth Lozano
Col. Ileana Ramirez Perez
Col. Linda A. Rohatsch
Col. Jeremiah S. Tucker
Col. Keith C. Wilson

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Christopher G. Batterton
Col. Daniel J. Begin
Col. Matthew G. Brancato
Col. Matthew D. Calhoun
Col. Andrew J. Camacho
Col. Barry F. Deibert
Col. Michael J. DiDio
Col. George H. Downs
Col. Megan H. Erickson
Col. Christopher D. Gries
Col. Michael S. Griesbaum
Col. Jason L. Hawk
Col. Shawn E. Holtz
Col. Shawne M. Johnson
Col. Mitchell R. Johnson
Col. Brian D. Kile
Col. Jason W. Knight
Col. Jason L. Knobbe
Col. Daniel J. Kramer, II
Col. Quaid H. Quadri, Jr.
Col. Christopher J. Southard

Col. Trace N. Thomas

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Christopher A. Eason
Col. Amy P. Kremser
Col. Kallie D. Kuehl
Col. Reid J. Novotny
Col. Humberto Pabon, Jr.
Col. Jonathan L. Vinson
Col. Justin T. Wagner

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Kenneth A. Borchers
Col. Gene C. Buckner
Col. Richard L. Coffey, III
Col. Martin L. Hartley, Jr.
Col. Raymond L. Hyland, Jr.
Col. Patrick L. Lanaghan
Col. Joshlin D. Lewis
Col. Brian S. McCullough
Col. Mark L. Miller
Col. Adam T. Rice
Col. Ronald N. Speir, Jr.
Col. Joseph H. Stepp, IV
Col. Todd E. Swass

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. John A. Conley
Col. Scott A. Coradi
Col. Christopher M. Dunlap
Col. Matthew J. French
Col. Nathan W. Kearns
Col. Joseph F. Morrissey, Jr.
Col. Beverly G. Schneider
Col. Lane A. Thurgood
Col. Brian J. Tollefson

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. James C. Slife

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Christopher A. Brown

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Antonio A. Aguto, Jr.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Warren L. Wells

The following named Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. William E. Crane